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*Attorneys for Defendant BetMGM, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE: BETMGM DATA BREACH  
LITIGATION

Civil Action No. 22-7462-JXN-CLW

**CERTIFICATION OF JEREMY S. SMITH**

I, Jeremy S. Smith, of full age, hereby declare as follows:

1. I am an attorney licensed to practice in California with a primary office in Los Angeles, California. I am a partner with the law firm Gibson, Dunn & Crutcher LLP, located at 333 South Grand Avenue, Los Angeles, CA 90071.
2. I make this declaration in support of this application to appear and participate *pro hac vice* in this matter on behalf of Defendant BetMGM, LLC.
3. I respectfully submit that for the reasons that follow, good cause exists to permit me to appear and participate *pro hac vice* in this matter.
4. I have represented Defendant from the outset of the present dispute. As

a consequence, Defendant has requested that I participate and represent it in this matter.

5. Since 2012, I have been a member in good standing of the bar of the State of California. The roll of members of the bar of the State of California is maintained by the State Bar of California, 180 Howard Street, San Francisco, CA 94105.

6. Since 2012, I have been a member in good standing of the bar of the United States District Court for the Central District of California. The roll of members of the bar of the United States District Court for the Central District of California is maintained by the Clerk of the Court, First Street United States Courthouse, 350 West 1st Street, Suite 4311, Los Angeles, CA 90012.

7. Since 2015, I have been a member in good standing of the bar of the United States District Court for the Northern District of California. The roll of members of the bar of the United States District Court for the Northern District of California is maintained by the Clerk of the Court, 450 Golden Gate Avenue, San Francisco, CA 94102.

8. Since 2021, I have been a member in good standing of the bar of the United States Court of Appeals for the Sixth Circuit. The roll of members of the United States Court of Appeals for the Sixth Circuit is maintained by the Office of the Clerk, 540 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati,

Ohio 45202-3988.

9. Since 2015, I have been a member in good standing of the bar of the United States Court of Appeals for the Ninth Circuit. The roll of members of the bar of the United States Court of Appeals for the Ninth Circuit is maintained by the Clerk of the Court, P.O. Box 193939, San Francisco, CA 94119-3939.

10. No disciplinary proceedings are pending against me in any jurisdiction, and no discipline has previously been imposed upon me in any jurisdiction. Likewise, I have not been subject to suspension or disbarment by any court.

11. If this application to appear *pro hac vice* is granted I agree to:

- a. Pay the Clerk's Fee of \$150.00;
- b. Contribute to the New Jersey Client Security Fund and Ethics Financial Committee such fees as required under L. Civ. R. 101.1(c)(2), which direct that such contributions be made in accordance with New Jersey State Court Rules 1:20-1(b) and 1:28-2;
- c. Abide by the Rules Governing this Court, including but not limited to L. Civ. R. 101.1(c);
- d. Consent to the appointment of the Clerk of the United States District Court for the District of New Jersey as agent upon whom service of process may be made for all actions against me that may arise out of my participation in this matter;

e. Notify the Court immediately of any matter affecting my standing in the Bar of any other court; and

f. Have all pleadings, briefs and other papers filed with the Court signed by Stephanie L. Silvano, or another attorney licensed to practice law in the District of New Jersey from Gibson, Dunn & Crutcher LLP, as the attorney of record for BetMGM, LLC.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Date: May 22, 2023



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JEREMY S. SMITH